

## **SB 5445-S - DIGEST**

### (DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares that the cleanup priority act makes the cleanup of contamination the top priority at sites with hazardous or mixed waste contamination. Consistent with that priority, the legislature finds that adding more wastes to sites with mixed radioactive and hazardous wastes where there have been releases into the environment detracts from cleanup, and from the work needed to bring wastes into compliance.

Finds that nothing in the cleanup priority act is intended to, or has the effect of, preventing the movement of waste from one facility or unit within a site to another as part of an approved cleanup order, agreement, or plan, or pursuant to permits.

Finds that the cleanup priority act does not regulate the materials or facilities used in the processing of radioactive substances, including those with nonradioactive components, to produce radioactive isotopes for beneficial use, such as calibrations, research, and medical use. In accordance with this finding, the cleanup priority act is not intended to, and shall not be interpreted to, regulate those radioactive or otherwise hazardous materials that may be imported to Washington state, or generated within the state, to be processed for the production of beneficial products, such as medical isotopes.

Declares that court challenges have raised possible interpretations of the cleanup priority act that the legislature finds are not consistent with the clear intent. It is in the interest of the state to clarify as quickly as possible that the cleanup priority act does not impact any business operation, or federal or private facility, that was not intended to be impacted by the cleanup priority act. Consistent with the intent of the voters, the legislature finds that the universe of regulated hazardous or dangerous wastes was not expanded by the passage of the cleanup priority act.

Declares that nothing in chapter 70.105E RCW prohibits mixed wastes generated on-site as part of a remedial or corrective action from being transferred to, stored, treated, recycled, or disposed of at a facility or unit within the site subject to applicable permits, plans, agreements, consent orders, or conditions of an approved remedy or corrective action under the federal superfund law, 42 U.S.C. Sec. 9601 et seq., chapter 70.105D RCW, chapter 70.105 RCW, or the federal resource conservation and recovery act, 42 U.S.C. Sec. 6921 et seq.

Provides that new land disposal facilities may be permitted by the department to accomplish the closure, remediation, or cleanup of facilities or units at a site subject to RCW 70.105E.040(6), if there are releases or suspected releases of hazardous substances at the site that are not investigated and being controlled under chapter 70.105 RCW, chapter 70.105D RCW, CERCLA 42 U.S.C. Sec. 9601 et seq., or RCRA 42 U.S.C. Sec. 6921 et seq.

Declares that this chapter does not regulate radioactive materials or substances, or the safety of facilities storing or processing such radioactive materials, where such radioactive

materials or facilities are regulated exclusively by the federal government pursuant to the federal atomic energy act, 42 U.S.C. Sec. 2011 et seq., absent explicit delegation by congress to the state of such authority.

Declares that the voters passed this chapter intending to prevent the addition of more hazardous or mixed wastes to mixed wastes sites with releases of hazardous substances that are impacting the environment or pose a risk to public health. The department must implement this policy using its authority under the hazardous waste management act, chapter 70.105 RCW, the model toxics control act, chapter 70.105D RCW, and the state environmental policy act, chapter 43.21C RCW. The department shall adopt rules necessary to carry out the intent of this chapter.